

# NOMINATION REQUIREMENTS

## Declarations of Intention

### State Legislative Offices

Candidates for State Senator and Member of the Assembly are required to file a declaration of intention to become a candidate prior to filing their nomination documents. (This declaration is not required of candidates for President, United States Senator or Representative in Congress.)

The declaration of intention may be obtained from the county elections official or the Secretary of State and must be filed with either the county elections official of the county in which the candidate is a resident or with the Secretary of State. The declaration of intention must be filed during the period of November 1 through November 10, 1999. The nonrefundable filing fee for the office must also be paid at the time the declaration of intention is filed. If a payment is by signatures in lieu, however, the candidate **MUST** file the required number of in-lieu signatures by November 10, 1999<sup>1</sup>. §§8022, 8103, 8105

Independent candidates, even though not required to file nomination papers until June 12-August 11, 2000 because they do not run in the primary, must also file declarations of intention during this filing period. §8350

(See also "Pre-Campaign Candidate Intention Requirements" on page 7.)

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<sup>1</sup> To compensate for deficient signatures submitted on petitions by November 10, 1999, the candidate shall either submit additional petitions or pay a pro rata portion of the filing fee by December 10, 1999.

## Nomination Documents

### Declaration of Candidacy and Nomination Papers

All candidates for office at the direct primary election must file a declaration of candidacy and nomination papers with the county elections official. The candidate is to execute the declaration of candidacy **in the office of the county elections official unless** the candidate has signed and dated a written statement designating a person to receive a declaration of candidacy form from the county elections official for the candidate or, upon request of a candidate, the county elections official shall provide the candidate with a declaration of candidacy and nomination papers. Such statement shall include language explaining that the candidate is aware that the declaration of candidacy must be properly executed and delivered to the county elections official of the county of the candidate's residence by 5 p.m. December 10, 1999. §§8020, 8028, 8041, 8060, 8101, 8105

### Forms

All forms required for nomination and election to all statewide, congressional, legislative, and county offices shall be **furnished by the county elections official**. The only forms which the Secretary of State may legally provide to a candidate are the declaration of intention and petition-in-lieu-of-filing-fee forms. However, the only form that the Secretary of State may legally **accept** is the declaration of intention. The Secretary of State may provide the signature-in-lieu form, but may not receive it for filing. At the time of issuing these forms the county elections official shall (1) type on the forms the name of the candidate and the office for which he or she is a candidate, (2) imprint a stamp on the form which reads "Official Filing Form," and (3) affix his or her signature on the form. The forms shall be distributed to all candidates applying for them upon the payment of the filing fee; however, signatures-in-lieu and declaration of intention forms are available without first paying the filing fee. **All filing fees received by the Secretary of State or the county elections official are nonrefundable.** §§8101-8106

### **Party Affiliation of Candidates for Partisan Office**

No declaration of candidacy for a partisan office or for membership on a county central committee shall be filed by a candidate unless (1) at the time of presentation of the declaration and continuously for not less than three months immediately prior to that time, or for as long as he or she has been eligible to register to vote in the state, the candidate is shown by his or her affidavit of registration to be affiliated with the political party the nomination of which he or she seeks, and (2) the candidate has not been registered with a qualified political party other than that political party the nomination of which he or she seeks within 12 months immediately prior to the filing of the declaration. §8001(a)

This party affiliation requirement is not applicable for candidates of political parties participating in their first direct primary election subsequent to their qualification as political parties. §8001(b)

The county elections official shall attach a certificate to the declaration of candidacy showing the date on which the candidate registered as intending to affiliate with the political party the nomination of which he or she seeks, and indicating that the candidate

has not been affiliated with any other qualified political party for the 12-month period immediately preceding the filing of the declaration. The provisions of this section shall not apply to declarations of candidacy filed by a candidate of a political party participating in its first direct primary election subsequent to its qualification as a political party pursuant to the provisions of Section 5100. §8001(b)

"Party" means a political party or organization which has qualified for participation in any primary election. The parties qualified to participate in the March 7, 2000 Primary Election at the time this document was published are: (1) Democratic, (2) Republican, (3) American Independent, (4) Green, (5) Libertarian, (6) Natural Law and (7) Reform. §338

### **Petition in Lieu of Filing Fee**

A candidate may submit a petition containing signatures of registered voters in lieu of paying the filing fee in order to run for office. The signatures submitted may cover all, or a prorated portion, of the filing fee. Any registered voter who is a resident of the district may sign an in-lieu filing fee petition for any candidate for whom he or she is eligible to vote. However, persons using Elections Code §8106(a)(6) provisions are limited to signatures from members of their own parties. §8106

For legislative candidates the last day to turn in the petitions in lieu of filing fee is November 10, 1999. For all other candidates, the last day to turn in petitions in lieu of filing fee is November 29, 1999\*. No additional signatures may be filed after the filing date, but supplemental signatures may be filed to replace signatures in the original filing that were found to be insufficient. That portion of the filing fee not covered by the signatures must be paid in full before the nomination documents may be filed. §§8105-8106

### **Petition in Lieu of Filing Fee and/or Nomination Paper**

If a candidate submits a petition in lieu of filing fee, the county elections official shall count all valid signatures appearing on the petition toward the number of sponsor signatures required for the candidate's nomination paper provided they are of registrants of the same party as the candidate. If the petition in lieu of filing fee contains the requisite number of valid signatures required for the nomination paper, the candidate is not required to circulate and file a nomination paper, but may request the county elections official to accept the petition in lieu of filing fee as a nomination paper instead of filing separate additional nomination papers. If the petition in lieu of filing fee does not contain the requisite number of valid signatures required for the nomination paper, the candidate may still circulate and file a nomination paper to be signed by qualified registered voters of his or her party during the nomination period. The candidate may request the county elections official to apply the number of valid signatures on the petition in lieu of filing fee toward, and combined with, the valid number of signatures on the nomination paper to satisfy the signature requirement for the office. The nomination paper shall be delivered to the county elections official of the county in which the signer resides and is a voter. **NOTE:** The candidate is still required to file a declaration of candidacy during the nomination period. §§8020, 8040, 8041, 8061, 8062, 8106

**\*Deadline falls on a holiday, November 25, 1999; therefore, performance of these duties moves to the next business day of November 29, 1999.**

## **Pre-Campaign Candidate Intention Requirements**

Any individual who intends to be a candidate for an elective office shall:

- A. File with the Secretary of State's Political Reform Division a statement of intention to be a candidate for a specific office (Form 501). This statement shall be signed under penalty of perjury and filed prior to the solicitation or receipt of any contribution or loan, including personal funds used for campaign purposes.  
Gov. Code §85200
- B. Establish one campaign contribution account at an office of a financial institution located in the state upon filing of the statement of intention.
  - 1. The name of the financial institution, the location, and the account number shall be filed with the Secretary of State's Political Reform Division within 10 days of establishing the account (Form 502).
  - 2. All contributions or loans made to the candidate, to a person on behalf of the candidate, or to the candidate's controlled committee shall be deposited in the account.
  - 3. Any personal funds which will be utilized to promote the election of the candidate shall be deposited in the account prior to expenditure.
  - 4. All campaign expenditures shall be made from the account.  
Gov. Code §85201
- C. Exceptions
  - 1. Parts A and B, above, do not apply to a candidate's payment of a filing fee and statement of qualifications fee from his or her personal funds.  
Gov. Code §§85200, 85201(f)
  - 2. Part B, above, does not apply if the candidate does not receive contributions and makes campaign expenditures from personal funds of less than \$1,000 in a calendar year, excluding payment of the filing fee and statement of qualifications fee.  
Gov. Code §85201(g)
    - a. If such candidate later spends \$1,000 or more in a calendar year, he or she must establish a campaign contribution account before the \$1,000 expenditure threshold is reached. The required account information shall be filed with the Secretary of State's Political Reform Division within 5 days of establishing the account.  
Gov. Code §85201(h)